

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
et al.,

Plaintiffs,

v.

JERRY PETERMAN, et al.,

Defendants.

Civil Action No. 1:20CV613

**JOINT MOTION FOR ENTRY OF
PROPOSED TEMPORARY
RESTRAINING ORDER**

Plaintiffs and Defendants have reached an agreement regarding Plaintiffs' Motion for a Temporary Restraining Order (DE 2). Pursuant to that agreement, the parties have agreed to entry of a Consent Temporary Restraining Order on the terms provided in the attached Exhibit A. The parties respectfully move the Court for entry of the proposed Consent Temporary Restraining Order.

On July 2, 2020, Plaintiffs filed this case challenging Art. VI, Sections 18-172, 18-174 through 181 of Graham, North Carolina's Code of Ordinances (hereinafter "the Ordinance") and other of Defendants' policies and practices that restrict protected speech.

On July 3, 2020, Plaintiffs sought a temporary restraining order enjoining enforcement of the Ordinance because it is: (1) a content-based restriction that cannot survive strict scrutiny; (2) an impermissible prior restraint on speech; (3) not a reasonable time, place, and manner restrictions, and (4) void for vagueness under the Due Process

Clause.

Defendants Jerry Peterman, Chip Turner, Melody Wiggins, Jennifer Talley, Ricky Hall, Frankie Maness, and Jeffrey Prichard (“Graham Defendants”) filed a response stating that they do not oppose the entry of a temporary restraining order restraining them and their agents from enforcing the existing Ordinance pending further orders of this Court (DE 9). Defendant Terry S. Johnson has also agreed to entry of an Order similarly restraining him and his agents while this Court adjudicates Plaintiffs’ claims.

The parties have therefore agreed to a Consent Temporary Restraining Order, the terms of which cover the following:

1. The existing Ordinance shall have no force or effect pending further orders of the Court.
2. The Graham Defendants and Mr. Johnson are restrained from enforcing the existing Ordinance.
3. The bond requirement under Rule 65(c) is waived.
4. The Court will continue to review Plaintiffs’ Motion for Preliminary Injunction and will set a hearing prior to the expiration of the Consent Temporary Restraining Order as it deems appropriate.

The proposed Consent Temporary Restraining Order adequately addresses the claims raised in Plaintiffs’ Motion for a Temporary Restraining Order and is squarely in the public interest. Additionally, entry of the proposed Consent Temporary Restraining Order obviates the need for a hearing on the motion and conserves judicial resources.

Respectfully submitted,

Dated: July 5, 2020

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CERTIFICATE OF SERVICE

I certify that on July 5, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and e-mailed true copies of this motion and attachments to the following:

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